



Signed and Filed: May 16, 2022

Lewis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC COMPANY

Reorganized Debtors.

Affects PG&E Corporation

Affects Pacific Gas and Electric Company

Affects both Debtors

* All papers shall be filed in the Lead Case, No. 19-30088 (DM).

) Bankruptcy Case
) No. 19-30088-DM
)
) Chapter 11
)
) Jointly Administered
)
)
) Date: September 13, 2022
) Time: 10:00 AM
)

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11. *What is the primary purpose of the following statement?*

**ORDER SUSTAINING DEBTORS' OBJECTION AND GRANTING DAVID ADDINGTON
LEAVE TO AMEND PROOF OF CLAIM # 3093**

On May 9, 2022, the court held a hearing on *Reorganized Debtors' Seventy-Ninth Omnibus Objection to Claims–Claim of David Addington (Claim No. 3093)* (Dkt. 10673). Appearances were made on the record. The court determined that under the terms of the recorded easement on Mr. Addington's real property, his attempt to terminate the easement in 2017 was ineffective. In

1 short, Mr., Addington's unilateral attempted Termination of
2 Easement (Dkt 10851-1, Ex. A, p. 13), was ineffective as a
3 matter of law. The handwritten easement (Dkt. 10851-1, Ex. A,
4 pp. 5-13) and the typewritten version (Dkt. 10851-1, Ex. B, pp.
5 2-9), contain (in Article Fourth) the exact language that
6 conditions any termination: ". . . and [PG&E} in the enjoyment
7 of the rights hereby granted, shall avoid so far as it
8 reasonably can interfering with the use by [Mr. Addington]. . .
9 any and all purposes."

10 Mr. Addington has not articulated any basis to trigger the
11 drastic forfeiture that he seeks. It is a question of fact
12 whether PG&E's actions or inactions give rise to any recovery by
13 Mr. Addington, and if so, whether that recovery should result in
14 termination of the easement opposed to a recovery of damages.

15 The court also acknowledged that Mr. Addington may have
16 suffered other damages as a result of the Debtors' work on his
17 real property that had initially led Mr. Addington to attempt to
18 terminate the easement.

19 Accordingly, and for the reasons stated on the record, the
20 court HEREBY ORDERS that:

- 21 1. The Objection is sustained, and Proof of Claim No.
22 3093 of Mr. Addington is disallowed;
- 23 2. Mr. Addington may amend his Proof of Claim on or
24 before July 11, 2022 to state a claim for damages
25 stemming from damage that occurred after the date of
26 payment following Mr. Addington's signed release of
27 claims arising from Debtors' revised work agreement;

- 1 3. Debtors may file an objection to any amended Proof of
2 Claim within 60 days of the amendment; and
3 4. A further hearing on the matter is set for September
4 13, 2022 at 10:00 a.m. Parties may contact the court
5 to remove the hearing from the calendar if issues are
6 consensually resolved prior to the hearing date.

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8 ****END OF ORDER****
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COURT SERVICE LIST

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